

## **REMARKS**

### **Amendments**

#### ***Amendments to the Claims***

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. Specifically, Applicant claims receiving highlight and detailed video segments and outputting the detailed video segment in response to receiving a command while outputting of the highlight video segment. In addition, Applicant claims receiving metadata associated with the highlight and detail video segments, where the video segments are associated with the same subject. Furthermore, Applicant claims receiving metadata for unique video segments from a highlight of a television program. Claims 5 and 9 have been canceled without prejudice. No new matter has been added as a result of these amendments.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 102(b)***

##### **Claims 1-4, 6-10, 11-23 and 25**

Claims 1-4, 6-10, 11-23 and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Levitan, U.S. Patent No. 5,534,911. Applicant respectfully submits that Levitan does not disclose each and every element of claims 1-4, 6-10, 11-23 and 25.

Levitan discloses creating a personal television channel by recording available television programs according to a user's preferences. A computer evaluates the television programs according to the user's preferences, and records matching television programs to a VCR. The personal television channel presents a text-based menu of the recorded television programs, which the user uses to select the desired recorded program.

Applicant respectfully submits that Levitan does not teach or suggest each and every limitation of Applicant's invention as claimed because Levitan does not disclose the video content granularity recited in Applicant's claims. In independent claim 1, as amended, Applicant claims outputting a "detail video segment" in response to receiving a command, where the command is received while outputting a "highlight video segment".

In contrast, Levitan discloses using a text-based menu to select recorded television programs. Levitan's textual representation of the recorded television program cannot properly be considered as equivalent to Applicant's claimed highlight video segment. Therefore, at the very least, Levitan does not teach or suggest this claim 1 element.

In addition, in independent claim 7, as amended, Applicant claims receiving metadata associated with the received highlight and detail video segments, where the highlight and detail video segments are associated with the same subject. In contrast, Levitan discloses receiving information about a television program, which cannot properly be considered equivalent to Applicant's claimed information associated with two levels of video segments relating to the same subject. Therefore, Levitan does not teach or suggest receiving metadata about the received highlight and detail video segments associated with the same subject as claimed in claim 7.

Furthermore, in independent claim 13, as amended, Applicant claims receiving metadata for unique video segments from a portion of a television program. But Levitan discloses receiving information associated with complete television programs and not information associated with television programs portions. Therefore, Levitan does not teach or suggest the claimed element as claimed in claim 13.

In addition, in independent claim 19, as amended, Applicant claims storing viewer preference in one memory and content segment in a second memory. Similarly, in independent claim 20, as amended, Applicant claims a video cache memory unit that has content and metadata memory portions. In contrast, Levitan does not teach or suggest a video cache or different memories for viewer preference and content storage as claimed in claims 19 and 20.

Therefore, Levitan cannot be properly interpreted as anticipating claims 1, 7, 13, 19 and 20 and claims 2-4, 6, 8-10, 12, 14-18, 21-23 and 25 that depend from them. Accordingly, Applicant respectfully submits that claims 1-4, 6-10, 11-23 and 25 are not anticipated by Levitan under 35 U.S.C. § 102(b) and respectfully requests the withdrawal of the rejection.

***Rejections under 35 U.S.C. § 103***

**Claim 24**

Claim 24 stands rejected under 35 U.S.C. § 103(a) as being obvious over Levitan in view of Herz U.S. Patent No. 5,534,911. Applicant respectfully submits that the combination does not teach each and every element of the invention as claimed in claim 24.

Herz discloses generating virtual television channels based on a user's preference profile and characteristics of available video. A system generates an agreement matrix by comparing the user's preference profile with the characteristics of available video. The system uses the agreement matrix to program the virtual television channels with the video.

Applicant respectfully submits that the combination of Levitan and Herz does not support a *prima facie* case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's invention as claimed in claim 24. Claim 24 depends from claim 20. In claim 20, Applicant claims a video cache memory unit that has content and metadata memory portions. Because Levitan does not teach or suggest each and every limitation of claim 20, Herz must disclose at least the missing element from claim 20 in order to have a proper *prima facie* case for claims 24.

But Herz does not disclose a video cache and therefore does not teach or suggest a video cache memory unit that has content and metadata memory portions. Since neither Levitan nor Herz teach or suggest the claimed element, the combination does not teach or suggest claim 20 or its dependent claim 24. Applicant respectfully requests the withdrawal of the rejection of the claim under 35 U.S.C. § 103(a) over the combination.

**New Claim**

New claim 26 has been added to claim the functionality of the show flow engine. Applicant respectfully submits claim 26 is allowable for at least the reasons set forth above for claim 20.

### **SUMMARY**

Claims 1-4, 6-10, 11-23 and 25-26 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300 x258.

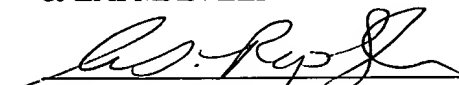
### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

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Eric S. Replogle  
Registration No. 52,161

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300 x258